



LELIEVER LAW

March 30, 2011

Caren D. Enloe
Smith Debnam Narron Drake
Saintsing & Myers, LLP
PO Drawer 26268
Raleigh, NC 27611

RE: Matt Jenkins v. M.R.S. Associates, Inc. and MRS BPO, LLC
Case No.: 5:10-cv-00121
Discovery Responses

Dear Ms. Enloe:

I have reviewed both Defendant M.R.S. Associates, Inc.'s Responses to Plaintiff's First Request for Admissions, First Set of Interrogatories, and First Request for Production of Documents and Defendant MRS BPO, LLC's Responses to Plaintiff's First Request for Admissions, First Set of Interrogatories, and First Request for Production of Documents. They are generally nonresponsive and do not conform to the requirements set forth in the Federal Rules of Civil Procedure. Moreover, they appear calculated to withhold discoverable information, to delay these proceedings and to increase the cost of litigation.

Accordingly, I will allow you ten (10) days after receipt of this letter to properly supplement your responses, at which time, if you fail to sufficiently respond, I intend to file a motion to compel proper responses from "both" your clients.

In order to comply you must:

(1) Withdraw your request for entry of a Protective Order prior to producing records of the phone calls your clients made to the telephone number 562-882-0300. I believe you know that such telephone records do not merit protection under F.R. Civ. P. 26(c). Upon said withdrawal, you are requested to respond fully and completely to the affected interrogatories or requests for production.

Andrew LeLiever
Attorney at Law
The Raleigh Building
5 West Hargett St.
Suite 210
Raleigh, NC 27601
(p) 919.906.4687
(f) 919.882.1644
lelieverlaw@hotmail.com

As to other information you deem proprietary, just remember, some of the information being sought is relevant to your own *affirmative defenses*. You have the burden of proving them, not us. If you refuse to provide information in support of your own defenses, after being asked for it, that is your choice.

(2) Amend the condition that you will provide documents admittedly in your possession at the open-ended "convenient time and place," to include at least three examples of what you consider to be a convenient time and place. I cannot agree to a mutually convenient time and place until I know what you consider that to be. If you do not want to do that, we can meet at the Federal Courthouse in Statesville as provided by the Rules of Federal Procedure.

I will await your updated responses. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

LELIEVER LAW, P.A.

A handwritten signature in black ink, appearing to read "W. Andrew LeLiever", written over a horizontal line.

W. Andrew LeLiever
N.C. State Bar No: 37384
5 W. Hargett St., Ste. 210
Raleigh, NC 27601
Telephone: 919-906-4687
Email: Andrew@lelieverlaw.com
Counsel for Plaintiff